

MORGAN, LEWIS & BOCKIUS LLP
PETER BUSCEMI, State Bar No. 255213
One Market
Spear Street Tower
San Francisco, CA 94105
Tel: 415.442.1000
Fax: 415.442.1001
E-mail: pbuscemi@morganlewis.com

THOMAS A. SCHMUTZ (*pro hac vice*)
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel: 202.739.3000
Fax: 202.739.3001
E-mail: tschmutz@morganlewis.com

SUSANNAH R. HENDERSON (*pro hac vice*)
1701 Market Street
Philadelphia, PA 19103
Tel: 215.963.5000
Fax: 215.963.5001
E-mail: shenderson@morganlewis.com

Attorneys for Defendants Rite Aid Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SKILSTAF, INC., on behalf of itself and
all others similarly situated,

Plaintiff,

vs.

CVS CAREMARK CORP.; LONGS
DRUG STORE CORPORATION; THE
KROGER CO.; NEW ALBERTSON'S,
INC.; RITE AID CORPORATION;
SAFEWAY, INC.; SUPERVALU, INC.;
WALGREEN CO.; and WAL-MART
STORES, INC.,

Defendants.

Case No. CV 09 2514

**JOINDER OF DEFENDANT RITE AID
CORPORATION IN THE MOTION TO
DISMISS FILED BY THE OTHER
DEFENDANTS**

1 Plaintiff Skilstaf filed its complaint in this action on June 5, 2009. Pursuant to an
 2 agreement with Plaintiff, Defendant Rite Aid Corporation ("Rite Aid") filed its Motion to
 3 Dismiss the Complaint on July 28, 2009. Subsequently, on August 5, 2009, the remaining
 4 Defendants—Safeway Inc., CVS Caremark Corp., Longs Drug Stores Corp., The Kroger Co.,
 5 Walgreen Co., Wal-Mart Stores, Inc., New Albertson's, Inc., Safeway, Inc., and Supervalu Inc.—
 6 entered into an agreement with Plaintiff, under which those Defendants filed Defendants' Motion
 7 to Dismiss on September 11, 2009. Rite Aid joined the August 5, 2009 agreement, and agreed
 8 that Plaintiff would respond to Rite Aid's Motion to Dismiss and to the Motion to Dismiss filed
 9 by the Defendants other than Rite Aid by the same date, November 13, 2009. Rite Aid hereby
 10 joins in the Motion to Dismiss filed by the other Defendants and adopts the arguments set forth in
 11 the memorandum of points and authorities accompanying that motion.
 12

13
 14 Dated: September 18, 2009

MORGAN, LEWIS & BOCKIUS LLP
 PETER BUSCEMI

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 17 By /s/
 Peter Buscemi
 Attorneys for Defendant
 Rite Aid Corporation

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 19 MORGAN, LEWIS & BOCKIUS LLP
 One Market, Spear Street Tower
 San Francisco, CA 94105-1126
 Tel: 415.442.1000
 Fax: 415.442.1001
 E-mail: pbuscemi@morganlewis.com
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CERTIFICATE OF SERVICE

I am a resident of the State of California and over the age of eighteen years and not a party to the within-entitled action; my business address is One Market, Spear Street Tower, San Francisco, California 94105-1126.

On September 18, 2009, I served the within document(s):

**JOINDER OF DEFENDANT RITE AID CORPORATION IN THE
MOTION TO DISMISS FILED BY THE OTHER DEFENDANTS**

☒ by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal Express agent for delivery.

Brett A. Ialacci,
Brannon J. Buck
W. Percy Badhma , III
Badhma & Buck
420 20th Street North, Suite 2585
Birmingham, AL 35203

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on September 18, 2009, at San Francisco, California.

I declare under penalty of perjury that I am employed in the office of a member of the bar of this court at whose direction the service was made, and that the foregoing is true and correct.

/s/ Eileen H. Yemoto
Eileen H. Yemoto